

Apartment Accommodations

One of the most pressing issues a person with a disability encounters when considering employment options is not only the ability to get to the job, but all that is involved in preparing to exit the home to begin the work day.

Data from the Disability Followback Survey administered between 1994 and 1997 (National Center for Health Statistics, 1999), indicated that 14 million Americans with disabilities lived in homes modified to meet their specific needs. Among these, over 1.5 million persons reported needing further home modifications to already existing structures. One million persons with disabilities who did not have any home modifications indicated that they needed such accommodations.

Considerations regarding renting or owning will typically play a significant role on the extent of structural changes to the home environment that an individual or funding source approves. Home ownership allows for creative uses of assistive technology that is built into the surroundings and is designed for functionality as well as aesthetics. However, this should not limit the possibilities that individuals with disabilities should explore if they choose to rent and are restricted by their choices in accessible rental units.

FREQUENTLY ASKED QUESTIONS:

Are there any housing laws that protect the rights of individuals with disabilities as renters and owners?

The Fair Housing Amendments Act of 1988 prohibits against discrimination in housing on the basis of disability. This includes buying, renting and acquiring a mortgage. The Fair Housing Amendments Act also states that certain multifamily dwellings designed and constructed for first occupancy after March 13, 1991, must be built in a manner that makes them accessible to persons with disabilities, and the Act established design and construction requirements to make these dwellings readily accessible to and usable by persons with disabilities. On March 6, 1991 the Department published final Fair Housing Accessibility Guidelines to provide builders and developers with technical guidance on how to comply with the accessibility requirements of the Fair Housing Act.

The Americans with Disabilities Act typically does not apply to residential housing. Strictly residential facilities are not considered places of public accommodation, however, common areas may be considered places of public accommodation if they are open to persons other than residents and their guests. For example, rental offices and sales office for residential housing are by their nature open to the public, and are places of public accommodation that must comply with the ADA requirements in addition to all applicable requirements of the Fair Housing Act.

Who has obligations under the Fair Housing Act?

The Fair Housing Act applies to public and private housing. There are exceptions for owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members. Covered multifamily housing consisting of four or more units built after March 13th, 1991 must comply with the following design and construction requirements of the Fair Housing Act:

- Accessible Entrance on an Accessible Route
- Accessible Public and Common-Use Areas
- Usable Doors
- Accessible Route Into and Through the Dwelling Unit
- Accessible Light Switches, Electrical Outlets, Thermostats, and Environmental Controls
- Reinforced Walls in Bathrooms
- Usable Kitchens and Bathrooms

According to the U.S. Department of Housing and Urban Development, a housing provider should do everything that he or she can to assist, but is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. For example, fulfilling a tenant's request for a reserved parking space in front of his or her unit, even though all other spaces are unreserved, is a reasonable accommodation.

Are individuals allowed to have service animals in a rental unit that has a “no pets” policy?

Individuals with disabilities may ask the housing provider to make a reasonable accommodation to a “no pets” policy. Tenants may be required to show proof of disability and a verification of the need for a service animal. However, housing providers cannot ask about the nature of the disability. Housing providers cannot ask for a pet deposit, but tenants are responsible for damages caused by a service animal. Tenants are not required to show proof of training, as service animals are not required to have training certification.

What is meant by an “accessible” building or route?

The term “accessible” means that the public or common use areas of a building can be approached, entered, and used by individuals with physical disabilities. These attributes would be considered an accessible route, which means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and

lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. Accessibility guidelines will cover hallway width, doorways, thresholds, ramp dimensions, and height/reach ranges for elevators. Specific information can be found in the Fair Housing Accessibility Guidelines.

What are the guidelines for ramp construction?

Ramps are built with rise (height) and run (length) dimensions measured in inches. The least possible slope should be used for any ramp to reduce fatigue and increase safety. The Americans with Disabilities Act Accessibility Guidelines (ADAAG) sets the slope of a ramp in new construction to be 1:12 (1" of rise for every 12" of run). The maximum rise for any run should be 30". Space limitations at existing sites, buildings or facilities may impede the use of a 1:12 slope. In such instances slopes of 1:10 and 1:8 are acceptable. Slopes greater than 1:8 are not allowed under the ADAAG. The minimum clear width of a ramp shall be 36". Landings, handrails, cross slopes, surfaces, edge protection and outdoor conditions should also be taken into account when constructing a ramp. To review the specific guidelines visit the following website: www.access-board.gov.

Do tenants have any rights to make reasonable modifications to their rental dwellings?

Under the Fair Housing Act, landlords may not prohibit tenants with disabilities from making their individual units accessible, although they may require that the modifications be completed in a "professional manner" and in compliance with applicable building codes. The costs of these modifications are generally the responsibility of the tenant.

Is there a requirement to restore the modifications to the original status upon vacating the premise?

A tenant may be required to restore the unit to the original condition if a modification will interfere with the housing provider's or the next tenant's use and enjoyment of the premises. For example, a tenant is not required to restore a widened doorway to a narrow doorway. However, the housing provider may require that grab bars be removed and the wall patched (although the supporting materials inside the wall can remain). In addition, the landlord may require an escrow account up to the same amount of the modifications to return the unit to its original condition.

What are some easy modifications to doors and entrances?

Accessing door handles and traversing over thresholds are common difficulties an individual with a disability may encounter. Threshold refers to the ground or floor area in a doorway. It is where the flooring begins or ends and/or where the door casing is sealed. A passageway from one room to another may also have a threshold. Threshold ramps are available to make these areas more accessible. Additionally, accessibility resources state that doorways should provide at least a 32" wide passage, with the door open, to provide clearance for individuals using wheeled mobility aids and walkers. If a doorway cannot be adjusted for width, there are several options for making the doorway accessible. Standard door hinges can be replaced with offset hinges to gain approximately two inches in the doorway. Using a folding door or removing the door can also make the doorway more accessible.

Doorknobs are easy enough to replace with lever handles, or lever adapters (handles that have a short bar-like extension that a person pulls down on to open the door). They are inexpensive and can be used by individuals who have difficulty gripping and turning a standard round doorknob. For individuals who have difficulty unlocking or locking doors, there are a variety of key holders/turners (materials or devices that are attached to the head of the key to make it easier to hold) and power locks and door openers.

Power locks and power door openers can be retrofitted to most doors. Power locks may be electric strikes, magnetic locks, or battery operated. They can be controlled by handheld remote control, EADL or ECU systems, a sequence of knocking, fingerprint, and keypads. Some power locks will work in conjunction with a door opener. Door openers may require an installation to the door and the doorframe. However, there are some systems that only attach to the frame. Door openers can be controlled by a variety of methods, including handheld remote controls, EADLs or ECUs, and push buttons.

What should a tenant keep in mind when looking at apartments?

Fair Housing accessibility guidelines require new construction to have at least a minimal level of accessibility. This, however, does not necessarily cut down on some of the costs associated with additional modifications. An objective evaluation of the extent of structural changes, the amount of AT requirements, the availability of funding sources, and the amount of time the rental will be rented, should all play key roles in the determining the extent of modifications to be completed. In addition to the things already listed, keep the following in mind when looking for an apartment:

- Distance from parking
- Age of the apartment (newer apartments may require less modifications)
- Accessibility features of the complex amenities (e.g., business office, pool, etc.)
- Universal Design features (e.g., walk-in shower, lever handles, etc.)
- Flooring (e.g., light reflectance, contrast between rooms, rolling resistance of carpet, etc.)
- Size of and maneuverability within rooms
- Distance of, and pathway to, bedroom from front door (emergency or evacuation needs).
- Lighting
- Storage
- Master bathroom location (is it located in the master bedroom)
- Washer/dryer location

RESOURCES:

Eastern Paralyzed Veterans Association

Fair Housing questions and answers

<http://www.unitedspinal.org/pages.php?catid=8&pageid=126>

Fair Housing Accessibility First

Program of HUD designed to promote compliance with the Fair Housing Act design and construction requirements

<http://www.fairhousingfirst.org>

Fair Housing Accessibility Guidelines on HUD site

<http://www.hud.gov/library/bookshelf09/fhefhag.cfm>

Home Modification and Barrier Removal

Information from the ENDependence Center of Northern Virginia, Inc.

<http://www.ecnv.org/faq/homemodfaq.htm>

Home Modification Self-Help Guide

Information related to making modifications in an apartment

http://www.peoples-law.com/Elderlaw/consumer/home_modification_self_help_guide.htm

Housing Voucher information on HUD

Information on Section 8 and other vouchers

<http://www.hud.gov/offices/pih/programs/hcv/index.cfm>

HUD User: Policy Development and Research Information Service

Current information on housing needs, market conditions, and existing programs

<http://www.huduser.org>

Infinitec

Home modification information

<http://www.infinitec.org/live/homemodifications/lowcostalternatives.htm>

King County Office of Civil Rights

FAQ sheet on Fair Housing Rights

<http://www.metrokc.gov/dias/ocre/FHFAQDARA.htm>

National Accessible Apartment Clearinghouse

A database on over 46,000 accessible apartments

<http://www.forrent.com/naac/>

National Organization on Disability

Housing Access information
<http://www.nod.org/housing/index.cfm>

The Directory of Accessible Housing

Information on individual's rights under Fair Housing, ADA, and Section 504.
<http://www.accessiblehousing.org/rights/accommodations.asp>